



Council of the
European Union

Brussels, 1 September 2023
(OR. en)

12409/23

Interinstitutional Files:
2023/0236(NLE)
2023/0235(NLE)

FRONT 259
COWEB 110
MIGR 265

'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
No. Cion doc.:	10736/23 + ADD 1 + ADD 2; 10738/23 + ADD 1
Subject:	Council Decision on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania – adoption Council Decision on the conclusion of the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania – request for the consent of the European Parliament

1. On 18 November 2022, the Council adopted a Decision authorising the opening of negotiations on a status agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania.

2. The purpose of the Agreement is, on the basis of Article 73(3) of Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624¹, to deploy border management teams from the standing corps to Albania to the full length of the country's borders. The Agreement will repeal and replace the Status Agreement of 5 October 2019 between the European Union and Albania.
3. Negotiations were successfully finalised by the Commission and Albania. On 7 July 2023, the Commission submitted to the Council a proposal for a Council Decision on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Republic of Albania, and a proposal for a Council Decision on the conclusion of the Agreement². Delegations confirmed their agreement on the proposals at the JHA Counsellors meeting (Frontiers) on 24 July 2023.
4. This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC³; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
5. In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.
6. The Agreement should be signed and the attached joint declaration should be approved.

¹ OJ L 295, 14.11.2019, p. 1.

² 10736/23 +ADD 1 + ADD 2 and 10738/23 +ADD 1.

³ Council Decision 2002/192/EC of 28 February 2002 concerning the Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

7. In view of the above, the Permanent Representatives Committee is invited to:
- confirm its agreement on the text of the Council Decision authorising the signing and the provisional application of the Agreement. The texts of the Decision, accompanied by the joint declaration, and the Agreement, following finalisation by the lawyer-linguists, are set out in documents 11940/23 and 11944/23, respectively;
 - decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision 2020/430, that the Council uses the written procedure for its adoption;
 - decide that the text of the above Decision together with the text of the Agreement be published in the 'L' series of the Official Journal in accordance with article 17(1)(d) of the Council's Rules of Procedure, and
 - decide to forward the draft Decision on the conclusion of the Agreement, as set out in document 11945/23 finalised by the lawyer-linguists, to the European Parliament for its consent.
8. The European Parliament will be informed in accordance with Article 218(10) TFEU and the Decision on the signing will be forwarded to the EP.
-